## UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

MATTHEW VANDERHOOP, Plaintiff	
v. )	
WILMINGTON SAVINGS FUND SOCIETY FSB, CHRISTIANA TRUST, NOT IN ITS INDIVIDUAL CAPACITY, BUT SOLELY AS TRUSTEE FOR BCAT 2014-10TT, Defendant )	Civil Action No. 1:18-CV-11924-FDS

## MOTION IN OPPOSITION TO DEFENDANT'S MOTION TO DISMISS

Plaintiff, Mr. Matthew Vanderhoop, hereby submits this Motion in Opposition to Defendant's motion to dismiss Mr. Vanderhoop's *Complaint and Motion for Temporary*Restraining Injunction for Protection from an Unlawful Foreclosing Auction of his Home, G.L.c. 244, §35B.

In support of this Motion, Mr. Vanderhoop states that he has alleged sufficient facts in his *Complaint* that have facial plausibility, and that his *Complaint* alleges legally cognizable injuries, upon which relief can be granted. Defendant has, therefore, failed to meet its burden, and is not entitled to a motion to dismiss.

The attention of the Court is respectfully directed to Mr. Vanderhoop's *Memorandum of Law in Opposition to Defendant's Motion in Opposition to Dismiss*, filed herewith, and to arguments to be properly presented in support of the requested relief of this motion.

WHEREFORE, Mr. Vanderhoop, respectfully, request that this honorable court enter an

order to:

1. Deny Defendant's motion to dismiss Mr. Vanderhoop's Complaint and Motion for

Temporary Restraining Injunction for Protection from an Unlawful Foreclosing Auction of his

Home, G.L.c. 244, §35B.

2. Grant Mr. Vanderhoop's request for a Preliminary Injunction to refrain Defendant

from scheduling or holding a foreclosure auction sale of Mr. Vanderhoop's home until a trial on

the merits.

3. Grant Mr. Vanderhoop's request for a Permanent Injunction to refrain Defendant

from scheduling or holding a foreclosure auction sale of Mr. Vanderhoop's home until a trial on

the merits.

4. Grant Mr. Vanderhoop any other such further relief as is just and equitable.

October 30, 2018

Respectfully submitted, MATTHEW VANDERHOP By his attorney,

"/s/"Deborrah M. Doman

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WILMINGTON SAVINGS FUND	) Civil Action No. 1:18-CV-11924-FDS
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TRUST, NOT IN ITS INDIVIDUAL	
CAPACITY, BUT SOLELY AS	
TRUSTEE FOR BCAT 2014-10TT,	
Defendant	)

## **CERTIFICATE OF SERVICE**

I, Deborrah M. Dorman, certify that Plaintiff's *Motion in Opposition to Defendant's*Motion to Dismiss was filed today, October 30, 2018, through the ECF system to be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

October 30, 2018 Respectfully submitted,

"/s/"*Deborrah M. Dorman*Deborrah M. Dorman